

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:20-cr-00293-FDW-DCK

UNITED STATES OF AMERICA,	)	
	)	
	)	
vs.	)	
	)	ORDER
SERGIO JERMAINE PATTERSON,	)	
	)	
Defendant.	)	
_____	)	

THIS MATTER is before the Court on Defendant's pro se motions seeking to withdraw his plea, filed on September 2, 2021. (Doc. Nos. 23, 24). The Government responded in opposition to the motions on September 9, 2021. (Doc. No. 25), and Defendant filed a pro se reply on September 27, 2021, (Doc. No. 26). On September 29, 2021, the Court held a hearing where Defendant's then current counsel was allowed to withdraw, and a new attorney was subsequently appointed on October 4, 2021. (Minute Order, 10/4/2021).

To the extent the instant motion requests an inquiry into the status of counsel, that portion of the motion is now moot by virtue of the withdrawal of counsel and appointment of new counsel. (Oral Order, 9/29/2021). To the extent the motion requests to withdraw his guilty plea, the Court notes Defendant is and has been represented by counsel in these proceedings. Local Criminal Rule 47.1(g) requires motions to be filed by counsel unless a defendant has formally waived his right to counsel before a judicial officer. See United States v. Barnes, 358 F. App'x 412, 413 (4th Cir. 2009) (affirming denial of pro se motion to withdraw guilty plea and holding that because the defendant "was represented by counsel, the district court was not required to consider [the defendant's] pro se letter filed on February 9, 2009, as a motion to withdraw his plea." (citing


United States v. Vampire Nation, 451 F.3d 189, 206 n. 17 (3d Cir.2006) (holding district court is within its authority to disregard pro se motions from a counseled party)).

IT IS, THEREFORE, ORDERED, that Defendant's pro se motions to withdraw his plea (Doc. No. 23, 24) are DENIED.

The Clerk is directed to certify copies of this order to Defendant, counsel for Defendant, and to the United States Attorney.

IT IS SO ORDERED.

Signed: December 15, 2021

  
Frank D. Whitney  
United States District Judge

